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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,584	10/16/2003	Paul Lapstun	NPA128US	7193

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EXAMINER

CAMPBELL, KELLIE L

ART UNIT	PAPER NUMBER
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3691

NOTIFICATION DATE	DELIVERY MODE
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12/28/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/685,584	Applicant(s) LAPSTUN ET AL.	
	Examiner KELLIE CAMPBELL	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-16,18-20 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-16, 18-20, and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

1. The following is a final Office action on the merits in reply to the Amendment/Remarks received on September 2, 2009 have been entered. No Claims are added or cancelled. **Claims 1 & 24** have been amended. **Claims 1, 4-16, 18-20, & 24** are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 4-13, 20, & 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over of Patterson Jr. et al. (U.S. 5,797,002)(hereinafter "Patterson, Jr."), in view of Gott (U.S. 4,088,981) (hereinafter "Gott"), in view of Dymetman et al (U.S. 6,330,976) and further in view of Morishita et al. (U.S. 6,335,727) (hereinafter "Morishita") and further in view of Black et al. (6,307,956)(hereinafter "Black").

As per claim 1, Patterson, Jr., teaches a method of initiating a bid transaction by an auction buyer (see col. 1, lines 15-35).

However, Patterson, Jr., does not disclose:

providing the auction buyer with a printed banking form including printed coded data identifying a form identity and a plurality of locations on the bidding form; and

transmitting data from the pen to the computer system, such that the computer system can identify, from said data, the identity of the bidding form, the identity of the auction buyer, and the parameter of the bid transaction, and thereby initiate the bid transaction.

Gott discloses an automated data entry and display system and utilizes a wand to scan documents containing alpha-numeric characters (see abstract).

Patterson, Jr. and Gott disclose providing a means for data entry, such as inputting transactional data. Gott teaches printed forms that include alpha-numeric characters representing coded data (see figure 1, col. 2, lines 9-35, and col. 2, line 65 through col. 3, line 53); and transmitting data from a wand to a computer system in order to identify the scanned information (see abstract, figure 1, col. 5, line 59 through col. 6, line 2). Therefore, it would have been obvious to one of an ordinary skill in the art at the time the invention was made to modify Patterson, Jr., to included auction forms containing coded data whereby a wand senses the coded data and transmits it to a computer system as taught by Gott in order to allow auction buyers to benefit from being able to use a printed form that electronically stores content and quickly retrieves content as needed.

The Patterson, Jr. and Gott combination does not disclose:

[coded data] printed as a plurality of tags, each tag identifying a form identity and a respective location on the form.

However, Dymetman teaches coded data printed as a plurality of tags, each tag identifying a form identity and a respective location on a form (see Figures 3, 5, 12,

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column 9, Lines 56 through column 10, line 8, column 12, lines 30-56, column 13, lines 1-57).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the invention of Patterson, Jr. and Gott with the teachings of Dymetman to include [coded data] printed as a plurality of tags, each tag identifying a form identity and a respective location on the form in order to allow a user to obtain appropriate automatic action, such as access to multimedia information, through a network using a hardcopy document as taught by Dymetman (column 2, lines 48-54).

The Patterson, Jr. and Gott and Dymetman combination discloses the elements of the claimed invention, but does not disclose:

interacting with a zone of the printed form containing the coded data using an optically imaging pen, said zone being associated with a parameter of the bid transaction; and

generating, in the pen, data regarding identity of the bidding form, at least one location within said zone using at least coded data sensed by the pen.

Morishita discloses an input information device that includes an information holding device and positional recognition system (see abstract).

Patterson, Jr., Gott, Dymetman, and Morishita disclose providing a means for data entry, such as inputting transactional data. Morishita teaches a sensing device capable of recognizing coded data, generating data regarding at least one parameter,

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and recognizing movement of the wand relative to the coded data (see figure 2, col. 5, lines 5-25 and lines 45-57, col. 6, lines 31-51 and col. 11, line 40-col. 12, line 10).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Patterson, Jr., Got, and Dymetman combination with the teachings of Morishita because such a modification would allow Gott to have an input device that is capable of reading and sensing coded data on a financial form (i.e. auction bid).

The combination of Peterson, Gott, Dymetman, and Morishita does not expressly disclose transmitting the data from the pen together with the data regarding an identity of the auction buyer wherein said data regarding the identity of the auction buyer is a unique pen identifier contained in said pen, said pen identifier being associated with the identity of the auction buyer in the computer system.

However, Black teaches a pen with data regarding an identity of a user wherein said data regarding the identity of the user is a unique pen identifier contained in said pen, said pen identifier being associated with the identity of the user in a computer system (col. 7, lines 36-41, the identity verification system of the present invention as shown in FIG. 1 comprises a stylus 15 with biometric sensors 20 disposed in a grip 30, and a computer processing unit 40; col. 8, lines 33-40; one-to-one biometric matching is used. This embodiment requires each user to carry on his/her user a device that includes an encrypted reference biometric for reference purposes to gain access into the system; Column 11, lines 15-17, the insert 50 fits onto the cap of the stylus 15. The term "insert" as used herein is a device that includes an encrypted reference identifier.

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The insert 50 contains the encrypted print and the name of the user owning the card.

The insert is also linked to one or more accounts; col. 12, lines 24-28, each insert 50 contains one or more encrypted references, which are unique to each user. Using this secret value, the insert 50 can compute a cryptographic response to challenges sent from the network.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the invention of Peterson in view of Gott in view of Dymetman in view of Morishita with the teachings of Black to include transmitting the data from the pen together with the data regarding and identity of the auction buyer wherein said data regarding the identity of the auction buyer is a unique pen identifier contained in said pen, said pen identifier being associated with the identity of the auction buyer in the computer system.

A person having ordinary skill in the art at the time the invention was made would have been motivated to do so in order to provide the user with a pen-based system that is compatible with encryption technology so that event access is confirmed locally (a) eliminating most privacy concerns (b) simplifying system logic while improving system speed, and (c) reducing the complexity and cost of the biometric sensors as taught by Black (col. 3, lines 66-67 through col. 4, lines 1-3).

As per claim 4, the combination of Patterson, Jr., Gott, and Dymetman, does not disclose that the parameter is an action parameter of the bid transaction, the method including initiating, in the computer system, an operation in respect of the action parameter.

Dymetman discloses a marking medium area with encoded identifier for producing action through a network (abstract).

Patterson, Jr., and Gott, disclose providing a means for data entry, such as inputting transactional data. Dymetman teaches wherein the parameter is an action parameter of the bid transaction, the method including initiating, in the computer system, an operation in respect of the action parameter (see col.4, lines 16-23).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the disclosures of Dymetman in the combination of Patterson, Jr. and Gott. The combination taken as a whole suggests that in order to perform an auction a form/bid needs to be provided to collect and to process the information relating to the bid transaction.

As per claim 5, Patterson, Jr. teaches that the action parameter of the bid transaction is selected from the group comprising: requesting the subcategories contained in an auction category, requesting the auction listings contained in an auction subcategory, searching auction listings, requesting the details of an auction item listing, sending e-mail to the seller of an item, requesting a bid history related to an item, requesting a list of leading bidders related to an item, and placing a bid (see col. 13, lines 20-32).

As per claim 6, Patterson, Jr. teaches that the parameter is an option parameter of the bid transaction, the method comprising initiating, in the computer system, an operation associated with the option parameter (see figures 4, 8, & 11, and col. 12, line 20 through col. 15, line 55).

As per claim 7, Patterson, Jr. teaches the option parameter is associated with at least one of: requesting the subcategories contained in an auction category, requesting the auction listings contained in an auction subcategory, searching auction listings, requesting the details of an auction item listing, sending e-mail to the seller of an item, requesting a bid history related to an item, requesting a list of leading bidders related to an item, placing a bid, a search results limit, and a search category specification (see figures 4, 8, & 11, and col. 13, lines 20-32).

As per claim 8, Patterson, Jr., teaches the parameter is a text parameter of the bid transaction, the method including initiating, in the computer system, an operation associated with the text parameter (see figures 4, 8, & 11, and col. 12, line 20 through col. 15, line 55).

As per claim 9, Patterson, Jr., teaches converting, in the computer system, handwritten text data to computer text (see figures 4, 8, & 11, and col. 12, line 20 through col. 15, line 55).

As per claim 10, Patterson, Jr., teaches the text parameter is associated with at least one of: a name of the auction buyer, auction item search text, and a bid amount (see figures 4, 8, & 11, and col. 12, line 20 through col. 15, line 55).

As per claim 11, Patterson, Jr., teaches the parameter is an authorization parameter of the bid transaction, the method initiating, in the computer system, an operation associated with the authorization parameter (see figures 4, 8, & 11, and col. 12, line 20 through col. 15, line 55).

As per claim 12, Patterson, Jr., teaches verifying, in the computer system, that a handwritten signature is that of the auction buyer (see figures 4, 8, & 11, and col. 12, line 20 through col. 15, line 55; and, furthermore, it is inherent that signatures be verified in the context of certifying documents).

As per claim 13, Patterson, Jr., teaches that the authorization parameter is associated with authorization of at least one of: placing a bid, and payment for a successful bid (see figures 4, 8, & 11, and col. 13, lines 20-32).

As per claim 20, Patterson, Jr., teaches retaining a retrievable record of each form generated, the form being retrievable using its identity as contained in its coded data (see col. 8, line 32 through col. 9, line 2)

Claim 24 recites equivalent limitations to claim 1 and is therefore rejected using the same art and rationale set forth above.

4. **Claims 14-16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson Jr. et al. (U.S. 5,797,002)(hereinafter "Patterson, Jr."), in view of Gott (U.S. 4,088,981) (hereinafter "Gott"), in view of Dymetman in view of Morishita in view of Black and further in view of Wolff et al. (U.S. 6,081,261)(hereinafter "Wolf").

As per claim 14, the combination of Patterson, Jr., Gott, Dymetman, Morishita, and Black does not disclose that the parameter is a picture parameter of the bid transaction, the method including initiating, in the computer system, an operation associated with the picture parameter.

Wolff discloses a manual entry interactive paper and electronic document handling and processing system (see abstract).

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Patterson, Jr., Gott, Morishita, Dymetman, Black, and Wolff disclose providing a means for data entry, such as inputting transactional data. Wolff teaches that a parameter maybe a picture parameter of a respective transaction, including initiating in a computer system an operation associated with the picture parameter (see col. 3, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Patterson, Jr., Gott, Morishita, Dymetman and Black combination to include scanning in a picture parameter utilizing a wand, which initiates an operation in a computer system, as taught by Wolff in order to allow image sensing whereby a system identifies the type of document according to a picture or drawing (see col. 1, lines 37-46).

As per claim 15, the combination of Patterson, Jr., Gott, Dymetman, Morishita, and Black does not disclose that the picture parameter is associated with a picture of a listed item.

Wolff et al. teaches the picture parameter is associated with a picture of a listed item (see col. 3, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Patterson, Jr., Gott, Morishita, and Black combination to include a picture associated with an item as taught by Wolff in order to allow image sensing whereby a system identifies the type of document or item according to a picture or drawing (see col. 1, lines 37-46).

As per claim 16, the combination of Patterson, Jr., Gott, Morishita, Dymetman, and Black does not disclose that the form contains information relating to at least one of: terms of an item auction, a description of an item being listed for auction, categories

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in which an item can be listed, subcategories in which an item can be listed, a number of items in a subcategory, a title of an item listing, and an identification number of a listed item.

Wolff et al. teaches the form contains information relating to a description of an item (see col. 3, lines 15-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Patterson, Jr., Gott, Dymetman, Morishita, and Black combination to include forms containing information relating to a description of an item as taught by Wolff in order to allow image sensing whereby a system identifies the type of document according to a picture or drawing (see col. 1, lines 37-46).

5. **Claims 18 & 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson Jr. et al. in view of Gott in view of Dymetman in view of Morishita in view of Black and further in view of Official Notice.

As per claim 18, the combination of Patterson, Jr., Gott, Dymetman and Morishita does not disclose printing the form on a surface and, at the same time that the form is printed, printing the coded data on the surface.

The Examiner takes Official Notice that it is old and well known in the art to print forms on demand and print coded data. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Patterson, Jr., Gott, Dymetman, Morishita, and Black to include printing forms on demand, including printing coded data, in order to allow an auction buyer access to paper records and enhance security measures by coding relevant bidding data.

As per claim 19, the combination of Patterson, Jr., Gott, Dymetman, Morishita, and Black does not disclose printing the coded data to be substantially invisible in the visible spectrum.

The Examiner takes Official Notice that it is old and well known in the art to print coded data to be substantially invisible. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Patterson, Jr., Gott, Morishita, and Black to include printing substantially invisible coded data in order to enhance security measures by masking relevant bidding data.

Response to Amendment

6. Applicant's amendments correcting dependency with respect to **claims 4-5 & 18-19** are sufficient to overcome the objection set forth in the previous Office action. The objection is hereby withdrawn.

Response to Arguments

7. Applicant's arguments with respect to **claims 1, 4-16, 18-20, & 24** have been considered but are moot in view of the new grounds of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELLIE CAMPBELL whose telephone number is (571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

K.C.

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691